

# COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.662.6000  
FAX 202.662.6291  
WWW.COV.COM

WASHINGTON  
NEW YORK  
SAN FRANCISCO  
LONDON  
BRUSSELS

September 9, 2005

## VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325  
Ex Parte Notice

Dear Ms. Dortch:

This letter is submitted pursuant to Section 1.1206(b)(2) of the Commission's Rules to provide notice of a permitted oral *ex parte* communication in the above-referenced proceeding. On September 8, 2005, Paula Boyd of Microsoft Corporation and the undersigned communicated the following points via voicemail to Catherine Crutcher Bohigian, Senior Legal Advisor to Chairman Martin, and Jordan Goldstein, Senior Legal Advisor to Commissioner Copps. The undersigned, on behalf of Microsoft, made the same points via voicemail to Lauren "Pete" Belvin, Acting Legal Advisor to Commissioner Abernathy, and Rudy Brioché, Legal Advisor to Commissioner Adelstein.

- Microsoft supports allowing broadcasters to transmit multiple digital audio streams and a range of datacasting services.
- Microsoft supports the Commission's efforts to facilitate widespread deployment and adoption of digital radio services. However, we do not believe that those efforts require the Commission to address the proposed NRSC-5 DAB standard, which was submitted to the Commission in May of this year, in any initial order resolving the issues raised in the pending Further Notice of Proposed Rulemaking and Notice of Inquiry in this proceeding.<sup>1</sup>

---

<sup>1</sup> Further Notice of Proposed Rulemaking and Notice of Inquiry, *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325, 19 FCC Rcd 7505 (2004).

Ms. Marlene H. Dortch

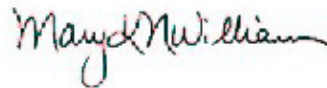
September 9, 2005

Page 2

- Microsoft and others, in recently-filed comments, have raised serious concerns about the adequacy of NRSC-5, particularly the failure of the standard to specify an initial codec or a registration and signaling mechanism for optional codecs. These concerns should be fully considered and addressed by the Commission before adopting any digital broadcasting standard.
- The NRSC is currently debating a revised DAB standard that likely will be submitted to the Commission sometime this fall. Although the revision is not expected to address the codec issues, it will include provisions to enable digital datacasting. Microsoft supports including datacasting capabilities in digital audio broadcasting and believes the public interest would be served by delaying any resolution of the DAB standard until the revised standard is submitted.

Please address any questions to the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Mary Newcomer Williams".

Mary Newcomer Williams  
*Counsel to Microsoft*

cc: Ms. Bohigian  
Ms. Belvin  
Mr. Goldstein  
Mr. Brioché